

ORDINANCE AMENDING THE TROY CITY CODE TO ADD A CHAPTER 30, ENTITLED  
“APPLICATION PROCESSING RESTRICTION LAW OF THE  
CITY OF TROY, NEW YORK”

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The City of Troy, in City Council, convened, ordains as follows:

Section 1. This chapter shall be known as “Application Processing Restriction Law of the City of Troy, New York.”

Section 2. Chapter 30 is to read as follows: “A law prohibiting the processing and approval of an application for the approval and issuance of any permit or certificate of occupancy or use by any board or official of the City of Troy in certain circumstances.”

Section 3. This Ordinance shall take effect immediately upon filing with the Secretary of State.

Approved as to form, August 16, 2018

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James A. Caruso, Esq., Corporation Counsel

**§ 30-1. Purpose.**

The purpose of this chapter is to prohibit the processing and approval of any and all applications for approval and issuance of any permit or certificate of occupancy or use by any Board or Official of the City of Troy for any property owner who has outstanding real estate taxes, water or sewer fees, solid waste fees, special assessments, fines for violations of City Ordinances or any other fees or past due monies or any outstanding violations of any local laws or ordinances of the City of Troy on any properties owned by the applicant situated within the City of Troy.

**§ 30-2. Short title.**

This chapter shall be known as "Application Processing Restriction Law of the City of Troy."

**§ 30-3. Applicability.**

This chapter shall apply to the provisions of all the local laws and ordinances adopted by the City of Troy for any and all applications submitted on or after the effective date of this chapter.

**§ 30-3.1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT — An individual who owns at least 5% of the interest in a corporation or is a partner in a business entity shall be granted the same legal status as the corporation or partnership in which said individual owns an equity interest for the purpose of determining whether said individual, corporation or partnership is an applicant under this chapter.

**§ 30-4. General provisions.**

A. Simultaneous with the filing of an application to any Board or Official of the City of Troy as listed below, an applicant must submit proof in a form acceptable to the City that no outstanding real estate taxes, water or sewer fees, solid waste fees, special assessments, fines for violations of City Ordinances or any other fees or past due monies, together with all penalties and interest thereon, exist for any properties owned by the applicant situated within the City of Troy and that no outstanding violations of any local law or ordinance of the City of Troy exist thereon:

(1) Applications to the City Council for:

- (a) Petitions to amend the Zoning Ordinance.
- (b) Authorization to contract with the City of Troy for the provision of services or purchase or sale of property, goods and services.

(2) Applications to the Planning Board for:

- (a) Subdivision approval.
- (b) Site plan approval.
- (c) Planned Development District.

(3) Applications to the Zoning Board of Appeals for:

- (a) Variance.
- (b) Special Use Permit.

(4) Applications to the Building Inspector for:

- (a) Building permit.
- (b) Sign permit.
- (c) Certificate of occupancy or municipal search response.
- (d) Blasting permit
- (e) Demolition permit.

(B) The processing and approval of any and all applications for approval and issuance of any permit or certificate of occupancy or use by any board or official of the City of Troy for any property owner who has outstanding real estate taxes, water or sewer fees, solid waste fees, special assessments or outstanding violations of any local laws or ordinances of the City of Troy or any properties owned by the applicant situated within the City of Troy are hereby prohibited except to the extent that the Corporation Counsel can verify that the applicant has deposited with the City Treasurer to be held in escrow a sum of money sufficient to cover any and all outstanding amounts owed to the City of Troy. In that event, the application form must contain a statement signed by the Corporation Counsel which verifies that there are sufficient monetary funds on deposit in an attorney escrow account to cover any and all outstanding amounts owed to the City of Troy.

(C) In the event that an application is in process before any of the boards or officials as listed above and a violation of this chapter occurs, processing of the application shall cease upon presentation of proof of the violation by the Receiver of Taxes or Code Enforcement Officer of the City of Troy except to the extent that the Corporation Counsel can verify that there are sufficient monetary funds on deposit in an attorney escrow account to cover any and all outstanding amounts owed to the City of Troy. In that event, the application form must contain a statement signed by the Corporation Counsel which verifies that the applicant has deposited with the City Treasurer to be held in escrow a sum of money sufficient to cover any and all outstanding amounts owed to the City of Troy.

(D) In the case of an application for a building permit, a certificate of occupancy, a zoning variance or planning approval, the terms of this Chapter shall apply to the Grantee of real property conveyed by other than a bona fide arms-length transaction in all instances in which the Grantor's application would have been barred pursuant to the terms of this Chapter.

(E) A Building Permit once granted, shall be revoked in the event that the applicant accrues violations or unpaid monies, or violations or unpaid monies are discovered, after the permit is granted. The revocation shall take effect five business days after receipt by the permit holder of notice from the City of Troy of the pending revocation. Upon such revocation, all permitted activities and privileges shall immediately cease. No application fees shall be refunded upon revocation of the permit. The applicant must reapply for the issuance of such revoked permit by submitting a new application and paying all necessary application fees, and any such permitted activities or privileges may only be resumed once a new permit has been granted.

#### **§ 30-5. Exceptions.**

(A) This chapter shall not apply to the processing of an existing application for a building permit intended to cure existing violations of the New York State Uniform Fire Prevention and Building Code and/or the Troy Code of Ordinances. Once said violations have been corrected, the provisions of this chapter will take effect except to the extent that the Corporation Counsel can verify that the applicant has deposited with the City Treasurer to be held in escrow a sum of money sufficient to cover any and all outstanding amounts owed to the City of Troy. In that event the application form must contain a statement signed by the Corporation Counsel which verifies that there

are sufficient monetary funds on deposit in an attorney escrow account to cover any and all outstanding amounts owed to the City of Troy.

(B) Notwithstanding the provisions contained in this section to the contrary, when in the opinion of the Director of Code Enforcement or the City Engineer the issuance of a permit is necessary to prevent harm to life, safety, or the general welfare of the public, the Director of Code Enforcement shall be authorized to issue said permit for the sole and exclusive purpose of bringing such violations into compliance with the Code of the City of Troy. Nothing contained herein shall relieve the property owner from complying with all other applicable sections of the Code including, without limitation, the provisions contained in this section.

### Memo in Support

This Ordinance amends the City Code to provide an additional tool to combat irresponsible property owners who fail to properly maintain their property and/or fail to remain current on monies owed the City.

Notwithstanding our efforts to enforce existing building codes, there continue to be numerous instances of owners taking steps to delay and obfuscate the process to avoid their responsibilities as property owners while at the same time seeking to develop additional properties in our neighborhoods. These actions are deleterious to the health and well-being of our neighborhoods and residents, and create a burden on those who are responsible in their actions. This ordinance will require property owners to be compliant with our codes and current with their financial responsibilities before they are allowed to develop and occupy additional properties.